

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 488

Case No. 85-17

April 28, 1986

(Gasoline Service Stations)

Pursuant to notice, a public hearing was held by the District of Columbia Zoning Commission on January 9, 1986. At that hearing session, the Zoning Commission considered amendments to certain provisions of the Zoning Regulations of the District of Columbia regarding gasoline service stations, pursuant to Section 9101. The public hearing was conducted in accordance with the provisions of Chapter 5 of the Rules of Practice and Procedure before the Zoning Commission.

On March 1, 1985, the Zoning Commission enacted new comprehensive regulations affecting parking and loading requirements for all uses in the District of Columbia.

On November 4, 1985 at its regular monthly meeting, the Zoning Commission was informed by letter dated November 1, 1985 from the law firm of Wilkes, Artis, Hedrick and Lane indicating that the new parking regulations were creating hardships for companies in the gasoline service station industry. The letter further indicated that in addition to the special exception, under Paragraph 5101.41 for a gasoline service station, applicants before the Board of Zoning Adjustment were required to seek approval for several variances.

The District of Columbia Office of Planning (OP), by memorandum dated October 25, 1985, recommended approval of some proposed amendments included therein. The OP indicated that the literal interpretation of the newly adopted parking regulations requires a gasoline station pump island canopy (considered a structure in zoning) to be computed as floor area ratio in computing the parking requirement for a gas station. Further, as a pump island canopy is considered an accessory building, it is prohibited by Subsection 7601.2 from locating in the front or side yard of the principal building on the lot.

Subsection 7601.2 of the Zoning Regulations states the following:

"An accessory building shall be located only in a rear yard except that an accessory private garage may be located in a side yard under the special regulations of Section 7401. Not over 30 per cent of the area of a required rear yard on any lot shall be occupied by an accessory building or buildings."

The OP further indicated that in the opinion of the OP and the District of Columbia Department of Public Works, the new regulations create an excessive parking requirement.

A gasoline station pump island canopy has recently become the state of the art in the gas station industry. The canopy, though not entirely new to the industry, has been revived and refined in recent years, perhaps in response to the advent of customer self-service pumping. The protection of the customer from inclement weather may have helped spur this design phenomenon. The OP views a gasoline station canopy as an open sided structure in which vehicles queue temporarily while being serviced at the fuel pumps. A small attendant's shelter may also be included in the design. Pump island servicing does not generate the need for long-term parking as do the garage functions (oil change, tire repair, etc.), where customer car parking is needed before and after the service is performed.

The OP, by testimony presented at the public hearing, indicated that the inclusion of the word "projecting" was confusing as it referred to the encroachment of a canopy overhang into a residence district. The Commission concurs.

A notice of proposed rulemaking was published in the D.C. Register on November 29, 1985. As a result of that notice, comments were received from the Chevron U.S.A., Inc. dated December 23, 1985, and the Greater Washington Petroleum Committee (WPC) of the American Petroleum Institute dated December 26, 1985.

Chevron U.S.A., Inc. believes that a pump island canopy should not be considered as an accessory building and because of the large size of these canopies, the requirement that the edges thereto not be within twenty-five feet of a residence district was too restrictive in some circumstances.

The Greater Washington Petroleum Committee believes that the prohibition of permitting the edge of a canopy within twenty-five feet of a residence district is too restrictive. The WPC recommended that the word "canopy" be deleted from Subsection 7601.2(b) of the proposal.

There were no Advisory Neighborhood Commissions that expressed their concerns relative to this case.

A representative of the Exxon Company, U.S.A. and the Amoco Oil Company gave testimony in support of the proposal at the public hearing.

There was no opposition to the proposal at the public hearing.

The Commission concurs with the recommendation and concerns of the Office of Planning and concludes that it was not its intent to create unanticipated hardships when it enacted new parking and loading regulations,

As to the concern regarding the encroachment of the edge of a canopy within twenty-five feet of a residence district, the Commission is not persuaded to modify that proposed requirement because of its concern regarding the visual and physical protection of residence districts.

The proposed action of the Zoning Commission to amend the Zoning Regulations was referred to the National Capital Planning Commission (NCPC), under the terms of the District of Columbia Self Government and Governmental Reorganization Act. The NCPC, by report dated March 6, 1986, found that the proposed action of the Zoning Commission would not adversely affect the Federal Establishment or other Federal interests in the National Capital nor be inconsistent with the Comprehensive Plan for the National Capital.

The Zoning Commission believes that the proposed amendments to the Zoning Regulations are in the best interests of the District of Columbia, are consistent with the intent and purpose of the Zoning Regulations and Zoning Act, and are not inconsistent with the Comprehensive Plan of the District of Columbia.

In consideration of the reasons set forth herein, the Zoning Commission hereby orders APPROVAL to amend the Zoning Regulations as follows:

1. Amend Subsection 7202.2 - Schedule of Requirements for Parking Spaces by deleting the existing language and substituting, in lieu thereof, the following:

Gasoline Service Station:

All Districts....., .One for each 300 square feet of gross floor area, excluding any pump island canopy and any kiosk adjacent to the pumps used exclusively as an attendant's shelter.

2. Amend Subsection 7601.2 (Miscellaneous Zoning

Requirements) by deleting the existing language and substituting, in lieu thereof, the following:

- 7601.2 An accessory building shall be located only in a rear yard, except as follows:
- (a) An accessory private garage may be located in a side yard under the special regulations of Section 7401; and
  - (b) A pump island canopy and any kiosk adjacent to the pumps used exclusively as an attendant's shelter of a gasoline service station may be located in any open area of a lot not within twenty-five feet (25') of a Residence District unless separated therefrom by a street or alley.
  - (c) Not over 30 percent of the area of a required rear yard on any lot shall be occupied by an accessory building or buildings.

3. Add a new Paragraph 7207.19 to read as follows:

7207.19 No parking shall be provided that restricts vehicular access to and from gasoline pumps from any point of access to the gasoline service station.

4. Amend Paragraph 7306.11 by deleting the existing language and substituting, in lieu thereof, the following:

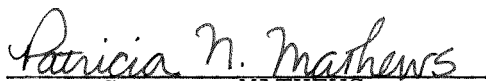
7306.11 In computing the number of loading berths required, that portion of the gross floor area or cellar area devoted to any pump island canopy and any kiosk adjacent to the pumps used exclusively as an attendant's shelter of a gasoline service station, parking spaces, loading berths, service/delivery loading spaces or loading spaces shall be excluded.


Vote of the Commission taken at the public meeting on February 10, 1986: 4-0 (Lindsley Williams, Patricia N. Mathews, and Maybelle T. Bennett, to approve and John G. Parsons, to approve by absentee vote - George M. White, not voting not having participated in the hearing).

This order was adopted by the Zoning Commission at a special public meeting on April 28, 1986 by a vote of 3-0 (Maybelle T. Bennett, George M. White, who read the record in the case, and Lindsley Williams, to adopt as amended - John G. Parsons and Patricia N. Mathews, not present not voting).

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In accordance with Section 4.5 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this order is final and effective upon publication in the D.C. Register, specifically on 09 MAY 1986.

  
PATRICIA N. MATHEWS  
Chairperson  
Zoning Commission

  
CECIL B. TUCKER  
Acting Executive Director  
Zoning Secretariat

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